

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**  
*Southern Division*

**ABRAHAM MALLIK,**

\*

**Plaintiff,**

\*

**v.**

\*

**Civil Case No.: PWG-12-1725**

**KATHLEEN SEBELIUS, SECRETARY,  
U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES,**

\*

\*

**Defendant.**

\*

\*

\* \* \* \* \*

**ORDER**

For the reasons stated in the Memorandum Opinion signed this same date, it is hereby  
ORDERED that

- (1) Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment, ECF  
No. 16, is GRANTED in part and DENIED in part, without prejudice to renewal at  
the close of discovery;
- (2) Plaintiff Abraham Mallik's Motion for Summary Judgment, ECF No. 21 is DENIED.

This case shall proceed as to Count I, discrimination based on race, color, or national  
origin, but only as to Plaintiff's claim that he was required to work on a day off, August 13,  
2010, without compensation. This case also shall proceed as to Count II, hostile work  
environment.

Defendant shall file an Answer no later than September 18, 2013, at which time the Court will enter a Scheduling Order and Discovery Order and schedule a Fed. R. Civ. P. conference call with the parties to discuss further pretrial proceedings.

Dated: August 28, 2013

/S/  
Paul W. Grimm  
United States District Judge

lyb